APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,173	01/25/2002	Steven M. Stefanik	PALM-3779	5622

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EXAMINER
ZHEN, LI B

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/058,173	STEFANIK ET AL.
	Examiner	Art Unit
	Li B. Zhen	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *46-76* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *46-76* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 46 – 76 are pending in the current application.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/16/2005 has been entered.

Response to Arguments

3.   Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 46 – 76 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over U.S. Patent Application Publication No. 2002/0083160 to Middleton in view of

U.S. Patent Application Publication No. 2002/0069263 to Sears et al. [hereinafter referred to as Sears, cited in the previous office action].

6.   As to claim 46, Middleton teaches the invention substantially as claimed a method of distributing software [p. 1, paragraph 0005], the method comprising:

demarking files on a first handheld computer system, the demarking indicating that the demarked files are available for downloading by a second handheld computer system [user is prompted to enter input for defining control parameters that control storage management and a storage configuration in the mobile device for one or more programs; p. 2, paragraph 0014];

automatically transferring the demarked files, from the first handheld computer system to the second handheld computer system [target program is downloaded to local storage or main memory or cache memory and control is transferred to the target program; p. 1, paragraph 0005].

Although Middleton teaches the invention substantially, Middleton does not specifically teach transferring summary information with respect to the demarked files when the first handheld computer system and the second handheld computer system are within a communication range according to a communication protocol.

7.   However, Sears discloses transferring summary information [a server for disseminating information to users in a network may comprise: a tool, the tool for receiving information and for processing the information according to characteristics of the network, wherein the characteristics comprise characteristics of the users. the

characteristics of the users may be selected from a group consisting of download

history, log of frequently used applications, billing and subscription info, user ranking of

applications, applications used in the past, and download history; pp. 2 - 3, paragraph

0019 and p. 4, paragraph 0038] with respect to files to mobile devices [p. 3, paragraph

0022] when the mobile devices are within a communication range according to a

communication protocol [p. 4, paragraph 0034].

8.   It would have been obvious to a person of ordinary skill in the art at the time of

the invention to apply the teaching of a user interface for demarking a subset of files as

taught by Sears to the invention of Middleton because this allows for seamless and

optimized interactions to occur between users, devices, providers, and applications

located in a network environment [p. 1, paragraph 0002 of Sears] and allows users and

service providers to find applications based on a method that uses current applications

they like as a key to find related applications or other highly rated applications [pp. 4 - 5,

paragraph 0039 of Sears].

9.   As to claim 47, Middleton as modified teaches the communication protocol is a

wireless communication protocol [p. 3, paragraph 0032 of Sears].

10.   As to claim 48, Middleton as modified teaches the wireless communication

protocol includes infrared light signaling [p. 1, paragraph 0005 of Middleton].

11.   As to claim 49, Middleton as modified teaches communications between the first

handheld computer system and the second handheld computer system are direct [pp. 2

– 3, paragraph 0015 of Middleton].

12.   As to claim 50, Middleton as modified teaches displaying at least a portion of the

transferred summary information at the second handheld computer system [p. 4,

paragraph 0038 of Sears]; and selecting, via a user interface [user interface on device

140, p. 5 – 6, paragraph 0042 of Sears], at least a subset of the demarked tiles from the

displayed portion of the transferred summary information at the second handheld

computer system [requested applications, p. 5 – 6, paragraph 0042 of Sears].

13.   As to claim 51, Middleton as modified teaches the selecting via the user interface

further comprises touching an area of a display screen of the second handheld

computer system [user interface capabilities and related APIs; text, touch, biometrics,

speech recognition, handwriting recognition; p. 4, paragraph 0038 of Sears].

14.   As to claim 52, Middleton as modified teaches receiving, at the second handheld

computer system, a download of the selected ones of the demarked files from the first

handheld computer system in response to the selecting via the user interface at the

second handheld computer system [pp. 4 – 5, paragraph 0039 of Sears].

15.   As to claim 53, Middleton as modified teaches at least some of the selected ones

of the demarked files are executable files to be executed at the second handheld

computer system [pp. 4 – 5, paragraph 0039 of Sears].

16.   As to claim 54, Middleton as modified teaches the executable files include one or

more application files that have limited functionality or limited time of use [p. 4,

paragraph 0038 of Sears].

17.   As to claim 55, Middleton as modified teaches a handheld computer system

[mobile device 1; p. 2, paragraph 0010 of Middleton] comprising:

a bus [pp. 3 – 4, paragraph 0033 of Sears];

a processor coupled to the bus [Java native processor; pp. 3 – 4, paragraph

0033 of Sears];

a wireless transceiver coupled to the bus for transferring information to other

computer systems [p. 2, paragraph 0011 of Middleton]; and

a memory coupled to the bus [p. 2, paragraph 0013 of Middleton], wherein:

the handheld computer system [mobile device 1; p. 2, paragraph 0010 of

Middleton] is configured to:

store demarked files, the demarked files being available for downloading to a

second handheld computer system [user is prompted to enter input for defining control

parameters that control storage management and a storage configuration in the mobile

device for one or more programs; p. 2, paragraph 0014 of Middleton], and

automatically transfer, to the second handheld computer system, summary

information [a server for disseminating information to users in a network may comprise:

a tool, the tool for receiving information and for processing the information according to

characteristics of the network, wherein the characteristics comprise characteristics of

the users. the characteristics of the users may be selected from a group consisting of

download history, log of frequently used applications, billing and subscription info, user

ranking of applications, applications used in the past, and download history; pp. 2 - 3,

paragraph 0019 and p. 4, paragraph 0038 of Sears] with respect to the demarked files

[p. 3, paragraph 0022 of Sears] when the second handheld computer system is within a

communication range of the handheld computer system according to a communication

protocol [p. 4, paragraph 0034 of Sears].

18.   As to claim 56, Middleton as modified teaches the communication protocol is a

wireless communication protocol [p. 3, paragraph 0032 of Sears].

19.   As to claim 57, Middleton as modified teaches the wireless communication

protocol includes infrared light signaling [p. 1, paragraph 0005 of Middleton].

20.   As to claim 58, Middleton as modified teaches the handheld computer system is

configured to communicate directly with the second handheld computer system [pp. 2 –

3, paragraph 0015 of Middleton].

21.   As to claim 59, Middleton as modified teaches the handheld computer system is configured to download selected ones of the demarked files to the second handheld computer system in response to receiving a download request from the second handheld computer system [pp. 4 – 5, paragraph 0039 of Sears].

22.   As to claim 60, Middleton as modified teaches at least some of the selected ones of the demarked files are executable files to be executed at the second handheld computer system [pp. 4 – 5, paragraph 0039 of Sears].

23.   As to claim 61, Middleton as modified teaches the executable files include one or more application files that have limited functionality or limited time of use [p. 4, paragraph 0038 of Sears].

24.   As to claim 62, Middleton as modified teaches a handheld computer system [mobile device 1;

p. 2, paragraph 0010 of Middleton] comprising:

a bus [pp. 3 – 4, paragraph 0033 of Sears];

a processor coupled to the bus [Java native processor; pp. 3 – 4, paragraph 0033 of Sears];

a wireless transceiver coupled to the bus for transferring information to other computer systems [p. 2, paragraph 0011 of Middleton]; and

a memory coupled to the bus [p. 2, paragraph 0013 of Middleton], wherein:

the handheld computer system [mobile device 1; p. 2, paragraph 0010 of

Middleton] is configured to:

automatically receive, from a second handheld computer system, summary

information [a server for disseminating information to users in a network may comprise:

a tool, the tool for receiving information and for processing the information according to

characteristics of the network, wherein the characteristics comprise characteristics of

the users. the characteristics of the users may be selected from a group consisting of

download history, log of frequently used applications, billing and subscription info, user

ranking of applications, applications used in the past, and download history; pp. 2 - 3,

paragraph 0019 and p. 4, paragraph.0038 of Sears] with respect to demarked files on

the second handheld computer system [p. 3, paragraph 0022 of Sears] when the

handheld computer system and the second handheld computer system are within a

communication range according to a communication protocol [p. 4, paragraph 0034 of

Sears], and display at least a portion of the received summary information [p. 4,

paragraph 0038 of Sears].

25.   As to claim 63, Middleton as modified teaches the communication protocol is a

wireless communication protocol [p. 3, paragraph 0032 of Sears].

26.   As to claim 64, Middleton as modified teaches the wireless communication

protocol includes infrared light signaling [p. 1, paragraph 0005 of Middleton].

27.   As to claim 65, Middleton as modified teaches the handheld computer system is
configured to communicate directly with the second handheld computer system [pp. 2 –
3, paragraph 0015 of Middleton].

28.   As to claim 66, Middleton as modified teaches the handheld computer system is
configured to permit a user to select, via a user interface [user interface on device 140,
p. 5 – 6, paragraph 0042 of Sears], at least a subset of the demarked files from the
displayed portion of the received summary information [requested applications, p. 5 – 6,
paragraph 0042 of Sears].

29.   As to claim 67, Middleton as modified teaches the handheld computer system is
configured to permit the user to select, via the user interface [user interface on device
140, p. 5 – 6, paragraph 0042 of Sears], by touching an area of a display screen of the
handheld computer system [user interface capabilities and related APIs; text, touch,
biometrics, speech recognition, handwriting recognition; p. 4, paragraph 0038 of Sears].

30.   As to claim 68, Middleton as modified teaches the handheld computer system is
further configured to receive a download of the selected ones of the demarked files from
the second handheld computer system in response to the selecting via the user
interface [pp. 4 – 5, paragraph 0039 of Sears].

31.   As to claim 69, Middleton as modified teaches at least some of the selected ones

of the demarked files are executable files to be executed at the second handheld

computer system [pp. 4 – 5, paragraph 0039 of Sears].

32.   As to claim 70, Middleton as modified teaches a handheld computer system

[mobile device 1;

p. 2, paragraph 0010 of Middleton] comprising:

        means for storing demarked files available for downloading to a second handheld

computer system [user is prompted to enter input for defining control parameters that

control storage management and a storage configuration in the mobile device for one or

more programs; p. 2, paragraph 0014 of Middleton], and

        means for automatically transferring, to the second handheld computer system,

summary information [a server for disseminating information to users in a network may

comprise: a tool, the tool for receiving information and for processing the information

according to characteristics of the network, wherein the characteristics comprise

characteristics of the users. the characteristics of the users may be selected from a

group consisting of download history, log of frequently used applications, billing and

subscription info, user ranking of applications, applications used in the past, and

download history; pp. 2 - 3, paragraph 0019 and p. 4, paragraph 0038 of Sears] with

respect to the demarked files [p. 3, paragraph 0022 of Sears] when the second

handheld computer system is within a communication range of the handheld computer

system according to a communication protocol [p. 4, paragraph 0034 of Sears].

33.   As to claim 71, Middleton as modified teaches the communication protocol is a wireless communication protocol [p. 3, paragraph 0032 of Sears].

34.   As to claim 72, Middleton as modified teaches the wireless communication protocol includes infrared light signaling [p. 1, paragraph 0005 of Middleton].

35.   As to claim 73, Middleton as modified teaches means for communicating directly with the second handheld computer system [pp. 2 – 3, paragraph 0015 of Middleton].

36.   As to claim 74, Middleton as modified teaches means for downloading selected ones of the demarked files to the second handheld computer system in response to receiving a download request from the second handheld computer system [pp. 4 – 5, paragraph 0039 of Sears].

37.   As to claim 75, Middleton as modified teaches at least some of the selected ones of the demarked files to downloaded by the means for downloading selected ones of the demarked files are executable files to be executed at the second handheld computer system [pp. 4 – 5, paragraph 0039 of Sears].

38.   As to claim 76, Middleton as modified teaches executable files include one or

more application files that have limited functionality or limited time of use [p. 4,

paragraph 0038 of Sears].

CONTACT INFORMATION

39.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on 571-272-3718. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen
Examiner
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lbz

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER